NCA
VOC FOR IOP/FN
BACKGROUNDER NO. 1-0705 MAY 4, 1976
DAVID LENT/MADRID

TRANSITION IN SPAIN

ANNCR:

SPAIN'S BIG AND VISIBLE TRANSITION CAME WITH THE DEATH OF FRANCISCO FRANCO LATE LAST YEAR. NOW, FIVE MONTHS LATER, VOA'S DAVID LENT WHO WAS ON HAND FOR THE ACCESSION OF JUAN CARLOS TO THE THRONE HAS RETURNED TO FIND SPAIN IN A SECOND TRANSITION. HERE IS HIS BACKGROUND REPORT FROM MADRID:

VOICE:

IN THE FIVE MONTHS SINCE GENERALISSIMO FRANCO'S DEATH THERE HAS BEEN A CHANGE IN ATMOSPHERE IN SPAIN. IT CAN BE SEEN AND FELT IN MANY WAYS. THE PRESS IS A GREAT DEAL FREER ALTHOUGH THERE IS STILL SOME CENSORSHIP. OPPOSITION GROUPS, STILL ILLEGAL ON THE BOOKS, ARE OPERATING OPENLY. THE SOCIALIST-RUN, ILLEGAL TRADE UNION, U-G-T, HAS HELD ITS FIRST CONGRESS SINCE NINETEEN THIRTY-TWO. IT'S WORTH NOTING THAT ALTHOUGH THE U-G-T WAS UNABLE TO HOLD A CONGRESS DURING THE LAST FOUR YEARS OF THE SPANISH REPUBLIC, IT WAS ABLE TO HOLD A CONGRESS DURING THE FIRST FIVE MONTHS OF POST-FRANCO SPAIN. AND ON MAY FIRST, LABOR DAY, SOCIALISTS GATHERED PEACEFULLY AT THE TOMB OF THE FOUNDER OF THE PARTY FOR A MEMORIAL CEREMONY. POLICE STOOD BY AND THERE WERE NO ARRESTS. LAST YEAR, ONE HUNDRED-FIFTY SOCIALISTS LANDED IN JAIL FOR TRYING TO ATTEND A SIMILAR CEREMONY. THUS THE ATMOSPHERE HAS CHANGED HERE IN SPAIN, BUT UNTIL LAST WEEK

THE CHANGE WAS ONLY IN ATMOSPHERE. SPANIARDS LOOKING FOR LIBERALIZATION AND DEMOCRATIZATION OF THE SYSTEM FRANCO LEFT IN PLACE AFTER NEARLY FORTY YEARS OF DICTATORIAL RULE HAD RECEIVED NO GUARANTEES.

SPAIN BEGAN A NEW TRANSITION LAST WEEK WITH THE SPEECH OF PREMIER CARLOS ARIAS NAVARRO SETTING A TIMETABLE OF CONSTITUTIONAL CHANGE TO GUARANTEE MORE FREEDOM. IN JULY THE GOVERNMENT WILL SUBMIT A LAW ON POLITICAL ASSOCIATION, THAT IS ON GENUINE POLITICAL PARTIES, AND A LAW ESTABLISHING FREEDOM OF ASSEMBLY. NEXT OCTOBER THERE WILL BE REFERENDUM CHANGING THE SINGLE CHAMBER PARLIAMENT OR CORTES INTO A BICAMERAL LEGISLATIVE BODY. AND EARLY NEXT YEAR, THE PEOPLE WILL ELECT DIRECTLY THE DEPUTIES TO ONE CHAMBER OF THE CORTES.

THE ARIAS PROPOSALS HAVE AROUSED SHARP CRITICISM FROM THE LEFTIST OPPOSITION AND THE CONSERVATIVE OLD GUARD. GENERALLY, THE OPPOSITION HAS ARGUED THAT THE ARIAS PROPOSALS FAIL TO ALTER THE FUNDAMENTALLY CORPORATE NATURE OF THE FRANCO SYSTEM. THE CONSERVATIVES, NOT SURPRISINGLY, HAVE ARGUED THAT THEY GO TOO FAR IN DISMANTLING THAT SYSTEM. THE GOVERNMENT'S PROPOSALS FOR THE CORTES OF FUTURE SPAIN HAVE RAISED TWO FUNDAMENTAL QUESTIONS: HOW REPRESENTATIVE WILL THE NEW LEGISLATIVE BODY BE? AND HOW WILL FUNCTIONS BE DIVIDED BETWEEN THE SENATE AND THE CONGRESS, AS THE TWO CHAMBERS ARE TO BE CALLED?

WHAT THE GOVERNMENT IS, IN EFFECT, PROPOSING IS TO DIVIDE THE PRESENT CORTES INTO TWO BODIES. MOST OF THE PRESENT CORTES IS ELECTED BY THE ELEMENTS WHICH MAKE UP THE CORPORATE STATE.

BUT NEARLY ONE-FIFTH OF THE DEPUTIES ARE DEMOCRATICALLY ELECTED DIRECTLY BY SECRET BALLOT. IN THE PROPOSED BI-CAMERAL CORTES, THE SENATORS WOULD CONTINUE TO BE ELECTED BY PROVINCIAL LEGISLATURES, THE GOVERNMENT-RUN SYNDICAL SYSTEM OF WORKERS AND EMPLOYEES AND SELECTED BY THE CHIEF OF STATE. THE DEPUTIES OF THE CONGRESS WOULD BE DIRECTLY ELECTED. BUT AS IN THE PRESENT CORTES, THOSE DIRECTLY ELECTED WOULD REPRESENT THE FAMILY SECTOR OF SOCIETY. THIS MEANS THAT BOTH THE CANDIDATES AND THE VOTERS WOULD BE LIMITED TO RESPONSIBLE HEADS OF FAMILIES. SOME ARGUE THAT THIS FALLS CONSIDERABLY SHORT OF UNIVERSAL SUFFRAGE. IT WOULD, HOWEVER, BE MORE DEMOCRATIC THAN THE PRESENT SYSTEM INASMUCH AS PARTIES AND CAMPAIGNING ARE ENVISAGED.

DIVISION OF RESPONSIBILITIES BETWEEN THE SENATE AND THE CONGRESS IS ALSO A QUESTION OF DEBATE. PREMIER ARIAS SAID THE TWO CHAMBERS WOULD BE CO-LEGISLATIVE BODIES. HE DID NOT ELABORATE. IT SEEMS UNLIKELY, HOWEVER, THAT BOTH BODIES WOULD HAVE ABSOLUTELY EQUAL AUTHORITY IN ALL AREAS. SOME SPECIALIZATION SUCH AS IN THE AMERICAN CONGRESS, WHERE THE SENATE HAS TREATY RATIFICATION POWER, AND THE HOUSE, THE AUTHORITY TO ORIGINATE MONEY BILLS IS CONSIDERED LIKELY. IT IS BEING SAID HERE IN MADRID THAT THE SENATE OF THE FUTURE CORTES MAY HANDLE ALL POLITICAL MATTERS. SUCH A PROVISION WOULD RAISE SERIOUS DOUBTS ABOUT THE SUBSTANCE OF DEMOCRATIZATION.

IT IS OBVIOUS THAT MANY QUESTIONS ABOUT DEMOCRATIZATION IN SPAIN -- HOW MUCH, AND HOW FAR AND HOW FAST -- ARE STILL WIDE OPEN. AFTER FIVE MONTHS OF CREATING A HEALTHIER ATMOSPHERE, THE REAL WORK OF CREATING A VIABLE CONSTITUTIONAL FRAMEWORK,FOR POST-FRANCO SPAIN HAS NOW BEGUN.

-0-

GH/RTD